

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SPENCER PIERCE,

Plaintiff,

v.

DIRECTORS OF CORRECTIONS, *et al.*,

Defendants.

3:07-CV-202-RCJ(RAM)

ORDER

Before the Court is Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#90) filed on November 16, 2009. This action was referred to U.S. Magistrate Robert A. McQuaid, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted his Report and Recommendation (#90) on October 27, 2009, recommending that this Court enter an order granting Defendants' Motion for Summary Judgment (#60) and denying as moot Plaintiff's Motion for Preliminary Injunction (#87). Defendants' filed their Opposition to Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#93) on December 17, 2009 and Plaintiff filed his Reply to Defendants' Opposition to Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#94) on December 31, 2009.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 3-2, a party may file specific written objections to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4. The district court must make a *de novo* determination of those portions of the

1 magistrate judge's report to which objection is made and may accept, reject, or modify, in
2 whole or in part, the findings or recommendations made by the magistrate judge. LR IB 3-
3 2(b). *De novo* review means the court must consider the matter anew, the same as if it had
4 not been heard before and as if no decision previously had been rendered. Ness v.
5 Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). Thus, although the district court need
6 not hold a *de novo* hearing, the court's obligation is to arrive at its own independent
7 conclusion about those portions of the magistrate judge's findings or recommendation to which
8 objections are made. United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989).

9 After conducting a *de novo* review of the record, the Court accepts and adopts the
10 Magistrate Judge's Report and Recommendation (#90).

11 III. CONCLUSION

12 IT IS HEREBY ORDERED that Plaintiff's Objection to Magistrate Judge's Report and
13 Recommendation (#91) is DENIED.

14 IT IS FURTHER ORDERED that Defendants' Motion For Summary Judgment (#60) is
15 GRANTED.

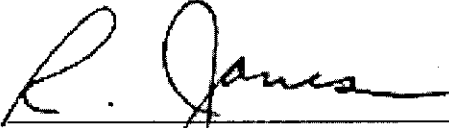
16 IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction (#87) is
17 DENIED as MOOT.

18 IT IS FURTHER ORDERED that Defendants' Motion for Extension of Time to File
19 Defendants' Opposition to Plaintiff's Objection to Report and Recommendation (#92) is
20 GRANTED.

21 The Clerk of the Court shall enter judgment accordingly.

22 IT IS SO ORDERED.

23 DATED: This 24 day of January, 2010.

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26 
27 Robert C. Jones
28 UNITED STATES DISTRICT JUDGE